



BY THE HOUSE OF DELEGATES,

February 19th, 1846.

Read and ordered to be printed.

REPORT

OF THE

COMMITTEE ON FEDERAL RELATIONS,

To which was referred the message of his Excellency the Governor, covering a communication from the Honorable Secretary of War, asking a cession of jurisdiction of certain lands lying in Prince George's county.

The committee on Federal Relations, to whom was referred the message of His Excellency the Governor, covering a communication from the honorable the Secretary of War asking a cession of jurisdiction of certain lands lying in Prince George's county, in this State, and now in the occupancy and possession of the United States, and known as Fort Washington on the Potomac, beg leave to

REPORT:

That they have given the subject mature consideration and are of opinion that the Legislature of Maryland, ought not under the circumstances to cede away her jurisdiction over the premises. From evidence laid before your committee, it appears that the first purchase for the site of Fort Washington was made by the Government on 15th April 1808, and embraced three acres and one hundred and twenty-seven perches, as appears by a deed of that date from the late Thomas A. Digges. The second purchase was made by the government of Thomas A. Digges, William D. Digges and Robert Brent, on the 31st August 1815, and embraced as appears by a deed of that date from those gentlemen nine acres and twenty-three perches. It further appears by a decision of the Court of Appeals of this State in 6 Harris and Johnson 364, that Thomas Digges, only took a life estate in the lands mentioned in that reported case. The land embraced in the two purchases is understood to be a part of the tract of land called Warburton which with another tract called Frankland, are the lands upon which it seems that decision had a bearing.

It has also been shewn to your committee, that on the 30th of September 1813, the late William D. Digges, conveyed "all his real estate in Maryland or elsewhere, whether in possession, re-

mainder or reversion," to certain trustees for his own support, and the support, education and maintenance of his wife and children, with liberty to himself to devise the same by last will and testament, but not in any manner to alien or incumber the estate so conveyed without the written concurrence of his said trustees. Written opinions of two eminent legal gentlemen, Walter Jones, Esq. and the late William Wirt, have been shewn to your committee, wherein it is maintained that by operation of the deed of 1813, W. D. Digges could not alien or incumber the estate mentioned in said deed of 1813, beyond the term of his life without the consent of his said trustees. Your committee have been informed that all or nearly all the valuable Fort works now erected at Fort Washington, are built upon the lands embraced in the said two first mentioned deeds, to which lands the devisees of the said William D. Digges, claim a title paramount to that of the United States.

The act of Congress 2nd March 1831, was it appears to your committee, a contract between the government and the executrix of W. D. Digges, for the "*purchase of an additional quantity of land required for the complete defence of the works at Fort Washington as by a survey thereof deposited in the Topographical Bureau in Washington,*" upon the terms mentioned in that act to wit, "*that the additional quantity of land should be conveyed by a valid title to the government and upon that being done a certain judgment in said act mentioned should be entered satisfied.*" The committee are informed that the additional quantity of land, mentioned in the act of Congress, as will appear from the proceedings of the different committees of Congress from February 1825, up to the passage of the act of 2nd March 1831, is the land mentioned in an award, (which is to be found among those proceedings) signed by the referees of the government and the late W. D. Digges, to wit, Philip Stuart, Humphrey Peake and Thomas G. Addison. It also appears from the above proceedings of the committees of Congress, that W. D. Digges, denied that the United States had any title to the lands embraced in the deeds of 1808 and 1815, and that he did in November 1828, instruct his then attorney, Moses Tabbs, Esq., to institute suits for the recovery of the same. Your committee are also informed that the devisees of W. D. Digges, never have conveyed the said lands to the United States, nor have they ever received any compensation for the said lands or for their use and occupation by the government, and that the said devisees now claim title to said lands, as will appear by the annexed letter from the counsel of said devisees informing your committee that suits are about to be instituted at law for the recovery of all the lands now in the occupancy of the government at Fort Washington, and which are not embraced in the act of 1831, March 2nd. Your committee do not mean to express any opinion upon the merits of this question, but propose to leave the parties to the proper tribunals to adjust their relative rights. From all which circumstances, your committee are of opinion that it is in-

expedient to report a bill as desired by the communication from the honorable the Secretary of War.

THOMAS F. BOWIE, Chairman.

ANNAPOLIS, February 18th, 1846.

To THOMAS F. BOWIE, Esq., Chairman of the committee on Federal Relations.

DEAR SIR:—I am authorised as the Attorney of the devisees of W. D. Digges late of Prince George's County, deceased, to institute suits at law in Prince George's County Court, against the occupants of their property being a part of the lands claimed by the General Government, at Fort Washington. Under these circumstances I presume the committee will not agree to cede away the jurisdiction of the State over the Territory so long as the title to the land is to be contested before a Court of Justice.

Very respectfully your obedient servant,

DANIEL C. DIGGES.

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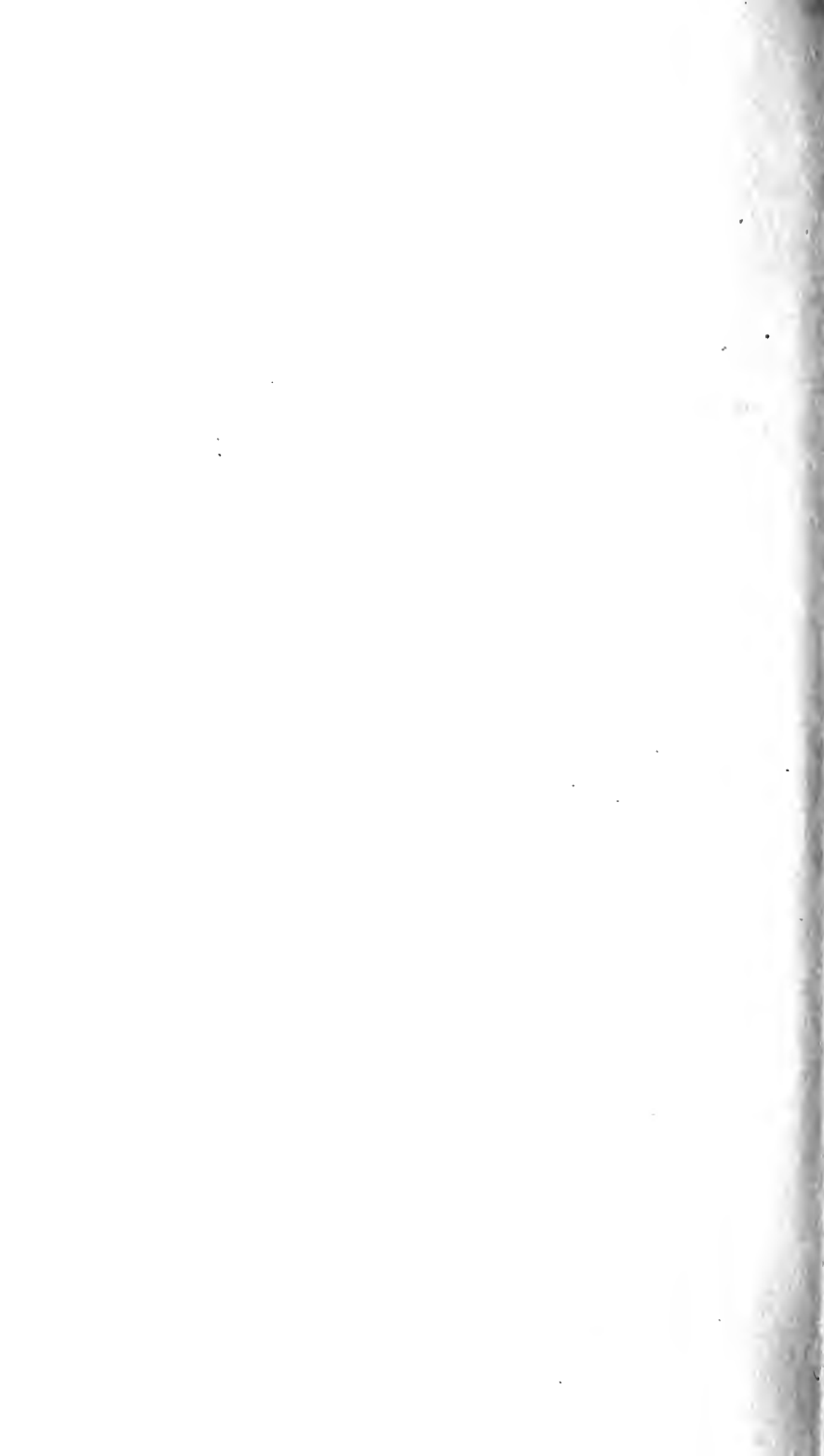
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